

**5476. Adulteration of cheese. U. S. v. 3,572 Pounds and 17,000 Pounds of Romano Type Cheese. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 10369. Sample Nos. 14378-F, 14379-F.)**

On August 6, 1943, the United States attorney for the Southern District of California filed a libel against 20,572 pounds of Romano type cheese at Santa Monica, Calif., alleging that the article had been shipped in interstate commerce on or about June 10 and 20, 1943, by the Rocky Mountain Cheese Mfg. Co. from Trinidad, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance by reason of the presence therein of slimy, moldy cheese and mites, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On August 12, 1943, Sam Konugres, claimant, doing business as Rocky Mountain Cheese Manufacturing Co., having admitted that the product contained some filthy or decomposed substance by reason of the presence of slimy or moldy cheese, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. Reconditioning was effected by trimming and cutting off all unfit material and denaturing the trimmings.

**5477. Adulteration of cheese. U. S. v. 3,000 Pounds of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 10185. Sample No. 14377-F.)**

On July 2, 1943, the United States attorney for the Southern District of California filed a libel against 3,000 pounds of cheese in unlabeled crates, boxes, and barrels at Los Angeles, Calif., alleging that the article had been shipped on or about March 17 and April 4, 1943, by L. L. Stonebraker from Trinidad, Colo.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, cheese skippers, dead and live larvae, mites, and rodent hairs; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On September 3, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5478. Adulteration of Cheddar cheese. U. S. v. 108 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond for disposition in compliance with the law. (F. D. C. No. 7987. Sample No. 2015-F.)**

Examination of this product disclosed the presence of rodent hairs, insect fragments, and nondescript dirt. Inspection showed that it was prepared under insanitary conditions and that filthy milk was used.

On August 5, 1942, the United States attorney for the Northern District of Illinois filed a libel against 108 boxes, each containing approximately 75 pounds, of Cheddar cheese at Freeport, Ill., alleging that the article had been shipped in interstate commerce on July 26, 1942, by the Tipton Cheese Co. from Tipton, Iowa; and charging that it was adulterated. The article was labeled in part: "Tipton."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 19, 1942, an order was issued transferring the case to the Southern District of Iowa. On November 30, 1942, Fred Jegerlehmer, sole owner of the Tipton Cheese Co., claimant, having filed with the court for such District a motion for a more definite and specific statement, the following order of the court which overruled such motion was entered:

**DEWEY, District Judge.** "The above entitled action came on for hearing in open court at Des Moines, Iowa, on the 21st day of November, 1942, on the intervening claimant's motion for more specific statement.

"The question of whether such an order should be entered is governed by the rules of Civil Procedure of this court and not by the Iowa law. While the court has some discretion as to whether such an order should be made, it is quite generally held by the courts that such information is only to be furnished under such an order where the party cannot obtain the information by discovery as provided in the Rules of Civil Procedure. Such information can be so obtained and the attorney for the Government advises that upon written application by letter or otherwise to him he will be glad to furnish a detailed statement of the analysis furnished to his office by the Government, but he does not care to be